

# EXHIBIT 1



**Holme Roberts & Owen LLP**  
*Attorneys at Law*

SALT LAKE CITY

October 29, 2009

*Via E-Mail and U.S. Mail*

BOULDER

Mark M. Bettilyon  
RAY QUINNEY & NEBEKER  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111

COLORADO SPRINGS

Re: BYU v. Pfizer, Inc.

Dear Mark:

DENVER

We are in receipt of your letter dated October 27, 2009. Pfizer strongly disagrees with the various assertions in your 24 page letter, but doesn't believe it is productive at this time to participate in another letter writing campaign concerning discovery issues. Pfizer will grant BYU's request for a 150 day extension of time to amend its Complaint. Please send us a revised schedule before you submit your request to the Court, and indicate that all of the pending deadlines (and several of the deadlines which have already expired, such as the deadline for BYU's expert reports) will likewise need to be extended.

DUBLIN

LONDON

Furthermore, because Pfizer feels strongly about the merits of its inventorship summary judgment motion and wants that motion decided on the merits, not on a Rule 56(f) motion, Pfizer will withdraw its summary judgment motion without prejudice to refile it after the close of discovery.

LOS ANGELES

Turning to the Rule 30(b)(6) depositions, Mr. Spanbauer will write you shortly with proposed dates for the deposition concerning the Rangwala chart (a deposition which was previously deferred at BYU's request). As for the deposition concerning what you refer to as the "COX-2 collection," David Parkinson informs me that he had a meet and confer with Adam Anderson several weeks ago regarding the scope and content of the Rule 30(b)(6) deposition. Mr. Anderson and Mr. Parkinson agreed that they would complete their meet and confer on the scope of your Notice after BYU and Pfizer had the opportunity to review the relevant documents. We understood that the deposition would not take place until after the meet and confer process was finished and we had an agreement as to the scope and content of the Rule

MUNICH

SAN FRANCISCO

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30(b)(6) deposition. We will provide dates promptly after the meet and confer is complete.

Finally, we intend to answer the questions posed on pages 22-24 of your letter. We anticipate you will have those answers within 60 days. We will also respond to you shortly regarding your request for the Bextra-related documents and the databases that you discuss.

Sincerely,



George M. Haley

GMH:plg

c: Richard O'Malley (via email)  
Lisa Schneider (via email)  
Leo Beus (via email)  
Adam Anderson (via email)  
Richard Williams (via email)